IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3747 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ANUJKUMAR DINESHBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

1. Special Civil Application No. 3747 of 2002

MR RAMNANDAN SINGH for Petitioner No. 1

MR DN PATEL for Respondent No. 1

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/04/2002

ORAL JUDGEMENT

#. Rule. Mr.Shah for Mr.Patel waives service of rule for the respondents. With the consent of the parties, the matter is taken up for final hearing today.

#. The case of the petitioner is that, in his original passport, birth place is mentioned as Baroda, but according to him, correct birth place is Bharoda. Unfortunately, at the relevant time, on the basis of the school leaving certificate, wrong place of birth is mentioned and on that basis, the passport authority has recorded that birth place in the passport issued to the petitioner. As per the extract of birth and death register, his birth place is Bharoda and even the school leaving certificate is also corrected by the school authority for which Mr.Singh has relied on page 15. Under these circumstances, passport authority is directed to reconsider the issue and may pass appropriate order in accordance with law after considering the evidence on the record of the case. If the passport authority is satisfied regarding correct birth place i.e. Bharoda instead of Baroda, appropriate order in that connection may be passed after considering the evidence as early as possible preferably within one month from today and may issue fresh passport accordingly showing the correct birth place of the petitioner. Since the petitioner has not taken care earlier by producing cogent material, the petitioner is directed to pay costs of Rs.2000/- (Rupees two thousand only). The said amount of costs is to be deposited with the passport authority within two weeks from today.

#. In view of what is stated above, this petition is partly allowed. Rule is made absolute to the aforesaid extent with costs as quantified above. D.S.Permitted.

(P.B.Majmudar,J)
(pathan)